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**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

Janet Cheatham,

Plaintiff,

v.

ADT Corporation, and ADT LLC,

Defendants.

Case No.: 2:15-CV-02137-DGC

**JOINT STATUS REPORT  
REGARDING NOTICE OF  
SETTLEMENT**

On January 23, 2017, the parties to the above-captioned action (the “Arizona Action”) notified the Court pursuant to LRCiv 40.2(d) [Doc. 133 (the “Joint Notice of Settlement”)] that they had reached an agreement to settle through certification of a nationwide settlement class the claims alleged in the Arizona Action and those alleged in the following related actions:

- *Dale Baker and Stephanie Dillard v. The ADT Corporation and ADT, LLC d/b/a ADT Security Services*, Case No. 15-cv-02038-CSB-EIL (USDC CD Illinois);
- *Michael Edenborough v. ADT, LLC d/b/a ADT Security Services, Inc.*, Case No. 16-cv-02233-JST (USDC ND California);
- *Santiago L. Hernandez v. ADT, LLC d/b/a ADT Security Services*, Case No. 50-2016-CA-002944XXXXMB (Cir. Ct. 15th Jud. Cir. Florida); and
- *Patricia Wilson v. The ADT Corporation and ADT, LLC d/b/a ADT Security Services*, Case No. 50-2016-CA-004410XXXXMB (Cir. Ct. 15th Jud. Cir. Florida)

(collectively, the “Actions”). The *Edenborough* Court is overseeing the certification and approval process for that settlement. This Court on January 30, 2017 agreed to stay the Arizona Action, while directing that a joint report be filed addressing several matters not explained in the Joint Notice of Settlement, and that a joint status report be filed every 30 days thereafter. [Doc. 134 (the “Stay Order”)]

The *Edenborough* Court held a Fairness Hearing regarding the settlement on February 1, 2018, and Judge Tigar took the matter under advisement. On February 5, 2018, Judge Tigar requested supplemental briefing on the impact of *In re Hyundai & Kia Fuel Econ. Litig.*, No. 15-56014, 2018 WL 505343, at \*3 (9th Cir. Jan. 23, 2018). On February 26, 2018, both Plaintiffs and ADT filed submissions regarding *Hyundai* to the *Edenborough* Court for Judge Tigar’s consideration. On March 29, 2018, Judge Tigar issued an order (i) overruling the sole objection to the proposed class settlement, but (ii)

1 staying the matter pending resolution of the petition for *en banc* review (and any  
2 subsequent Ninth Circuit proceedings) in *Hyundai*.

3 On July 27, 2018, the Ninth Circuit accepted the petition for *en banc* review. *In re*  
4 *Hyundai And Kia Fuel Econ. Litig.*, 897 F.3d 1003, 1007 (9th Cir. 2018). On June 6, 2019,  
5 an *en banc* panel of the Ninth Circuit issued a decision affirming the district court's orders  
6 and judgment certifying a nationwide settlement class. *In re Hyundai and Kia Fuel*  
7 *Economy Litigation*, No. 15-56014. A copy of the Ninth Circuit's *en banc* decision was  
8 previously provided to this Court in the parties' June 6, 2019 report.

9 On July 8, 2019, Plaintiffs filed a "Notice of Completion of Claims Process and  
10 Exclusion Requests" with the *Edenborough* Court, which provided a summary of the claim  
11 administrator's review and analysis of the claims and exclusion requests along with a  
12 supporting declaration from the Settlement Administrator, Kimberly K. Ness, regarding  
13 claim filing activity.

14 On July 22, 2019, Judge Tigar granted final approval of the settlement and the full  
15 amount of Plaintiffs' requested attorneys' fees and costs, noting Plaintiffs achieved a  
16 "strong result of \$16 million in the face of significant defenses mounted by ADT."  
17 *Edenborough* Doc. 160 (copy attached as **Exhibit A**), at ECF 6:13-15. The Court  
18 simultaneously entered a final judgment in *Edenborough* on July 22, 2019 [*Edenborough*  
19 Doc. 161], which was amended to correct the caption on July 29, 2019 [*Edenborough* Doc.  
20 162] (copy attached as **Exhibit B**).

21 Respectfully submitted this 7th day of August, 2019.  
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**Certificate of Service**

I hereby certify that on August 7th, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing thereby transmitting a Notice of Electronic Filing to all CM/ECF registrants.

By: /s/ Karen Vanderbilt